

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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COLEMAN VAOGA,

Plaintiff

v.

STATE OF CALIFORNIA, *et al.*,

Defendants

Case No. 3:21-cv-0377-MMD-CLB

**ORDER TO PAY FILING FEE  
OR FILE APPLICATION TO  
PROCEED *IN FORMA PAUPERIS***

**I. DISCUSSION**

On August 20, 2021, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*. The Court granted Plaintiff an extension of time to September 28, 2021 to either pay the filing fee or submit an application to proceed *in forma pauperis*. (ECF No. 4.) On September 16, 2021, Plaintiff submitted a letter to the Clerk asking if the Court had received his application to proceed *in forma pauperis*. (ECF No. 4.) The Court has not received Plaintiff’s application and hereby grants him an additional extension of time to November 1, 2021 to either pay the filing fee or submit an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed *in Forma Pauperis* for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail

1 official (i.e. page 4 of this Court's approved form), and

2 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
 3 **previous six-month period.**

4 The Court will grant Plaintiff a **one-time** opportunity to file a fully complete  
 5 application to proceed *in forma pauperis* containing all three of the required documents,  
 6 or in the alternative, pay the full \$402 filing fee for this action on or before **November 1,**  
 7 **2021**. Absent unusual circumstances, the Court will not grant any further extensions of  
 8 time.

9 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*  
 10 with all three required documents or pay the full \$402 filing fee on or before **November**  
 11 **1, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to file a new  
 12 case with the Court when Plaintiff is either able to acquire all three of the documents  
 13 needed to file a fully complete application to proceed *in forma pauperis* or pays the full  
 14 \$402 filing fee.

15 A dismissal without prejudice means Plaintiff does not give up the right to refile the  
 16 case with the Court, under a new case number, when Plaintiff has all three documents  
 17 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff  
 18 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
 19 full filing fee of \$402 on or before **November 1, 2021** to proceed with this case.

20 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court  
 21 will not file the complaint unless and until Plaintiff timely files a fully complete application  
 22 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

## 23 **II. CONCLUSION**

24 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send  
 25 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well  
 26 as the document entitled information and instructions for filing an *in forma pauperis*  
 27 application.

28 IT IS FURTHER ORDERED that on or before **November 1, 2021**, Plaintiff will

1 either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and  
2 the \$52 administrative fee) or file with the Court:

3 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
4 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
5 signatures on page 3),

6 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
7 official (i.e. page 4 of this Court's approved form), and

8 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
9 **previous six-month period.**

10 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
11 application to proceed *in forma pauperis* with all three documents or pay the full \$402  
12 filing fee for a civil action on or before **November 1, 2021**, this case will be subject to  
13 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case  
14 number, when Plaintiff has all three documents needed to file a complete application to  
15 proceed *in forma pauperis* or pays the full \$402 filing fee.

16 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
17 (ECF No.1-1) but will not file it at this time.

18 DATED: October 1, 2021

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UNITED STATES MAGISTRATE JUDGE